

Exhibit “OO” to Amended Verified Petition

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OF COUNSEL

August 8, 2001

Richard W. Hoyt, Esq.
43 Orchard Street
P.O. Box 402
Walden, New York 12586

Re: Mehlon w/Town of Montgomery

Dear Rich:

Thank you for your correspondence of June 22, 2001 concerning the above referenced matter. As we discussed by telephone, we applied to the Town of Newburgh Town Board's to remove the weight limit restriction issue on the Town of Newburgh portion of Kings Hill Road. Enclosed for your review is a copy of the Town of Newburgh Town Board Resolution adopting Local Law No. 4 of 2001 eliminating the weight restriction on Kings Hill Road from Rock Cut Road to the Town of Montgomery town line in the Town of Newburgh.

This highway access for our client's proposed mine expansion was the key issue which needed to be resolved before our client could proceed with its application to both the Town of Montgomery Planning Board and the New York DEC to expand its existing Kings Hill Road mine.

Our client has completed a mine expansion application which is on file with the New York State DEC. The New York State DEC will not proceed with its review of this application until such time as either the Town of Montgomery has concluded SEQRA or has referred the matter to the New York State DEC for review.

As suggested in your June 22, 2001 letter, I believe the best course of action would be for the Town of Montgomery's Planning Board to refer this matter, as it has done in the past ten years on other applications, to the New York State DEC to handle SEQRA and issue the ECL permits required. Once the same is completed our client could return to the Town of Montgomery Planning Board with those items in hand for the Planning Board's review of our application.

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Richard W. Hoyt, Esq.
August 8, 2001
Page 2

Once you have reviewed the above would you please contact me to discuss how we can proceed on the same.

Very truly yours,

WERNER & SAFFIOTI, L.L.P.

BY: JOSEPH M. SAFFIOTI

JMS:gd

Enc.

cc: Mehlon Trucking Inc.